

**PROCEEDINGS OF THE BROWN COUNTY
CRIMINAL JUSTICE COORDINATING BOARD**

AMENDED

Pursuant to Section 19.84 Wisconsin Statutes, a regular meeting of the Brown County Criminal Justice Coordinating Board was held on October 13, 2016 at 8:00 am in the Truttman Room of the Brown County District Attorney's Office, 300 East Walnut Street, Green Bay, Wisconsin.

Present: Chair Judge Walsh, Human Services Director Erik Pritzl, Supervisor Bernie Erickson, Supervisor Joan Brusky, Chief Deputy Todd Delain, Judge Zuidmulder, Public Defender Representative Tera Teesch, Green Bay Chief of Police Andrew Smith, County Executive Troy Streckenbach, District Attorney David Lasee

Excused: Sheriff Gossage, Citizen Representative Tim Mc Nulty, Probation and Parole Representative Michelle Timm, Clerk of Courts John Vander Leest, Citizen Representative Kathy Johnson, Supervisor Pat Evans

1. Call Meeting to Order.

The meeting was called to order by Chair Judge Walsh at 8:00 am.

2. Approve/Modify Agenda.

Motion made by Andrew Smith, seconded by Tera Teesch to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

3. Approve/modify Minutes of August 11, 2016.

Motion made by Judge Zuidmulder, seconded by Joan Brusky to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

4. Mental Health Grant/Detox Beds (Erik Pritzl).

Human Services Director Erik Pritzl indicated people are going through detox on incapacitation holds. The incapacitations are not much of an issue as far as process, but intoxicated people who present voluntarily is an area they continue to work on, especially in making sure there is capacity. Pritzl continued that they have had people go through detox at Bellin and then to the CBRF where they stay for a period of time and have an outpatient assessment and then decide if they want to engage in the next step of treatment which is voluntary. They are still fine tuning the system and finding places for improvements and they also continue communicating with Bellin to make sure that everyone understands the process.

Bellin has had eight people go through detox since they started in mid-August. Supervisor Erickson asked if services are available for people without insurance. Pritzl explained that Bellin will first try to work with a person's insurance, but the County does guarantee payment if there is not insurance that will cover the treatment. Funding is not a barrier to treatment. The other thing Pritzl is working on is finding a backup for times when Bellin does not have capacity available.

County Executive Troy Streckenbach asked if the eight people that have been served to date are the chronic people who are in and out of jail regularly. Green Bay Police Chief Andrew Smith said he is aware that at least one of those treated has been brought in a half dozen times before. Pritzl added there are at least 40 – 50 known people that if they would present and be motivated they would want to be sure to have a spot for.

5. **Public Service Announcements.**

Judge Walsh indicated that this item will be placed on the next agenda as Clerk of Courts John Vander Leest was unable to attend this meeting to talk about this.

6. **Jail Population Numbers (Larry Malcomson).**

- a. **Detail on population by offense.**
- b. **Drill down numbers.**

Judge Walsh provided the group with an e-mail he received from Sheriff Gossage who asked that it be shared with this Committee, a copy of which is attached. He informed the next two agenda items came to this group through the Public Safety Committee and the e-mail from Sheriff Gossage addresses each of these.

With regard to the day report center, Family Services has been awarded the RFP and is currently working to establish the program. Pritzl said Family Services will be giving a presentation including an overview of the day report center and how they operate in Outagamie County and how they intend to operate in Brown County. Family Services has a program description and brochure they can build on. The day report center should open in mid-November, but the site has not been disclosed publicly yet. Pritzl said that from looking at the description of what the center will handle, it looks like the emphasis will be on treatment court and pre-sentence support, although there will be some post-sentence support as well.

Information regarding the Waukesha Day Report Center is also attached. Supervisor Erickson said the entire report is quite lengthy and is available from the Internal Auditor in the County Board Office. The Waukesha County day report program shows a significant reduction in jail days, which is something that is needed in Brown County. Erickson noted that Waukesha County also has some other programs that save jail days, but everything costs money. In looking at these programs, the largest expense would be for staffing so the total amount of bed days saved would have to be weighed against the cost to staff. Overall, what is being done in Waukesha County appears to be working and they seem to be taking first time, low risk offenders and handling them in this way rather than incarcerating them. Erickson feels this committee should look into some of these things and said that the County Board would definitely consider them if they would result in reduction of jail time and thus alleviate the need to add on to the jail.

Pritzl spoke about the diversion program and indicated that the staff is housed within Human Services. There is a proposal to add a treatment court case manager as well as clerical support and there was a grant applied for, however, there was a \$40,000 gap in what was requested and what was actually received. The Human Services Committee then indicated that they wanted to make sure the grant request was made whole and added \$40,000 of county funding to it to bring it to the amount that was asked for. County Executive Troy Streckenbach added that an additional staff position for this area is in the budget and he is hoping to get it funded through the State. Streckenbach brought Senator Cowles to a recent graduation at the treatment courts to show that the program is working and urged him to increase the money in the next biennial. He said hopefully adding the additional position will take away the bottleneck that is happening. Judge Walsh said that both he and Judge Zuidmulder feel the capacity of the treatment courts could be increased if there is enough staff to handle them.

Judge Zuidmulder recalled that years ago an ordinance was passed charging inmates a specific fee for being in jail and asked if a different rate could be charged for municipalities. If the County Board said municipalities would have to pay more to house inmates, it may be a wakeup call. Judge Zuidmulder feels this is something that Corporation Counsel would have to review but it would be possible. Chief Deputy Todd Delain said the

current rate set by the County Board is \$40 per day. Rates to incarcerate are dependent upon a number of different factors. High risk inmates are more than \$50 per day while the people in the Huber Center are charged significantly less. Judge Zuidmulder said that in the face of the jail crowding crisis, we should look at the group of people who are being housed there from the municipalities. Streckenbach said the question is if this group feels the amount set by the County Board is appropriate. The County Board could increase the fee either through the Public Safety Committee or at the budget meeting. His concern, though, is the kind of offenders we are talking about. Judge Zuidmulder said that they are basically people who have not paid a fine or showed up in court and then a bench warrant is issued and are picked up and put in jail for failure to pay the fine. Streckenbach feels this is something that should be brought before the Board for further consideration.

Erickson also brought up a scared straight type of program because he feels there may be a way to incorporate something like that for low level or first time offenders. Judge Walsh feels this may be something to look into a little further because a lot of high school kids do not realize the serious penalties for things such as drunk driving and then all of a sudden they get in trouble and it is hard to dig out. He feels one way to address this may be through the liaison officers in the high schools. Judge Zuidmulder informed that evidence based research shows that scared straight type programs do not accomplish anything, however, research shows that having people attend classes on criminal thinking really do change behaviors. Pritzl added that he used to go with kids to a scared straight program, but it stopped after a while, mainly due to the theatrics of the program. Delain feels one way to address this may be some type of program tied to Shelter Care because the vast majority of the juveniles that are seen at the jail originate from Shelter Care. There is no shortage of juveniles who make it to Shelter Care and Delain feels that would be a good target group because they are already on the path to criminal behavior and secure detention. Pritzl said working with the juvenile court system may also be a place to catch kids earlier. Delain feels the problem with the scared straight type thing is that it is too late. By the time kids get into the jail, they are already well on their way with regard to criminal activity.

Judge Zuidmulder said he will be going to the juvenile rotation in January and would start some type of program. He will contact Erickson to work on this. He said there are already programs that exist so a determination would be made as to what program would be suitable for juveniles and then what a contract price would be for the County to send juveniles through the program. He would like to see the target group include everyone who is caught shoplifting and doing vandalism and other acts like that. Supervisor Brusky also suggested that parents should have the ability to refer their children to such a program. Judge Walsh thought that parents calling up and wanting to get their children in before they are involved in the system is a good idea. Pritzl talked about initiatives in Milwaukee County to reduce the number of juveniles in State facilities with the hope that they will build their own facility in several years. Delain added that the jail works very closely with Human Services regarding juveniles, but at this time Brown County is not in a position to be involved in any use of the jail facility for other programming.

Judge Zuidmulder wished to comment on the idea of holding court on Saturdays in an attempt to reduce jail population. He had Court Commissioners keep a tally in August of people who came into court on Monday morning and how many of those people were released on signature bonds. One week 19 out of 28 people were bonded out, either on signature bonds or by posting a bond on Monday, which means that they could have gotten out on Sunday. The trend for the month was that 50 – 60% of everyone who was in jail on Sunday got a signature bond. Judge Zuidmulder feels the issue that needs to be looked at would be if we can make any calculus of cost for this because if bail hearings were held on Sunday, there would need to be representation from the Public Defender's office and DA's office as well as a Court Commissioner and court reporter. Appearances could be done in Courtroom A which would allow for video conferencing with the jail.

Judge Zuidmulder feels there would be a number of people who could be released from the jail by 1:00 pm but a determination would have to be made if the cost savings at the jail would offset the cost of having all of these people available for court hearings. Delain responded that he did not really think this would make much of an impact because the jail issues are not really with the one day inmates. He explained that these people all go to one intake pod. If that pod gets overcrowded, they bring in mattresses and people end up sleeping on the floor until the next day, but these individuals do not have any long term impact on the jail population because they are basically there for one day. In addition, the Sheriff's Office would incur additional costs for courthouse security. Judge Zuidmulder responded that the only part of the courthouse that would be open is Courtroom A and there would be no inmates there; they would all be on video. The discussion regarding holding hearings on the weekend continued and it was indicated that the people in jail on signature bonds are there for things like pot, disorderly conduct and bail jumping. In these cases the Court Commissioner listens to the arguments and then makes a determination that a signature bond would be appropriate. District Attorney David Lasee indicated the cost of staffing is not going to change at all if these people are let out after court on the weekend because the staffing of the jail is not going to change. Delain agreed and said his cost is basically the cost of food. The bigger challenge is dropping the daily census on an annual basis. Delain looks at pods when he looks at the overall jail situation and said the intake pod is not a pod he is worried about because most days it is not overcrowded. The big problem with the jail comes after the initial appearances and inmates are classified and farmed out to the different pods. The crowding problems come after the initial appearances.

Judge Walsh informed that a committee has been set up to address the issue of the longer term jail inmates. This committee has come up with about five different areas where a difference could be made. These areas include reducing the amount of time between when someone's probation gets revoked and they get in front of a judge and also the amount of time someone waits between the time the DOC says a person needs to be revoked and the time they get in front of the administrative law judge to have the revocation hearing. One of the other things they are looking at is doing some assessment of people so the judges can take up how much people are sitting on on bond. For example, if someone is sitting in jail on a \$500 cash bond and it takes him three months to get to trial, maybe there should be a signature bond instead. Determination on this will need an assessment tool which the committee is working on. Judge Zuidmulder added that when the day report center is up and operational, the people who are sitting on small cash bonds should be able to have conditions that they go to the day report center instead. Judge Walsh said they have also talked to Judge Griesbach to see what he is doing in the federal court because the issue does not seem to be as chronic with them and they found that he has someone on staff that does assessments to figure out risk. Judge Walsh feels that if the Circuit Court Judges could develop a tool and a risk assessment when they are setting bonds, the judges would be willing to go with it if they could get buy-in from the District Attorney's office and the Public Defender's office. Uniformity across the board would help make a dent in these numbers.

From the Sheriff's Office perspective, Delain said they are very grateful for the Circuit Court Judges, the DA's office and the Public Defender's office in addressing these issues because what was just talked about will have the largest impact on incarceration. From the perspective of the jail, they know that the problem exists in the areas that the Judges and the District Attorney are addressing. Delain also noted the jail can always keep the District Attorney's office and the Court informed of inmates who should have their bond readressed and possibly lowered. Judge Walsh added that one of the things with building a tool is that if everyone can rely on the fact that something is being followed that all parties are on board with, it may provide a sense of a little bit of cover. Delain said having some funding source, whether it be in the Circuit Courts or the District Attorney's office or somewhere else to have someone to help monitor all this would be important. Erickson said that this is something that the County Board could assist with. Judge Zuidmulder

suggested that someone from this committee address the County Board to keep them advised of what is going on and what is being done in this regard.

7. **Items referred from Public Safety Committee regarding jail usage.**
- a. **Saturday Court**
 - b. **Day Report Center (Family Services presentation on October 14)**
 - c. **Diversion Program**
 - d. **Municipal Warrants**
 - e. **Juveniles in State facilities.**
 - f. **Scared Straight Program**
 - g. **Staggered jail sentenced**
 - h. **Report date adjustment.**
 - i. **OAR/OAS changes.**
 - j. **Monthly reports of jail population to judicial system.**

Discussion with regard to the majority of these items occurred at Item 6 above.

8. **TAD Grant programs (David Lasee).**

Judge Walsh continued that TAD Grant Coordinator Joe Torres is leaving. DA Lasee said they are in the process of interviewing to fill the position and he hopes to have someone hired with minimal gap in services.

9. **Mental Health Court (Judge Zuidmulder).**

This item was not discussed due to time constraints.

10. **Heroin/Drug Court (Judge Walsh).**

This item was not discussed due to time constraints.

11. **Future agenda items, if any.**

This item was not discussed due to time constraints.

12. **Such other matters as authorized by law.**

The next meeting will be held on December 8, 2016 at 8:00 am.

13. **Adjourn.**

Motion made by Judge Zuidmulder, seconded by Joan Brusky to adjourn at 9:05 am. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Recording Secretary